

In re: : Case No.: 19-24274-GLT  
: Chapter: 11  
Kristal C. Owens :  
:   
:   
:   
: Date: 6/18/2020  
*Debtor(s).* : Time: 10:00

**PROCEEDING MEMO**

**MATTER:** # 158 Amended Motion for Relief from Stay filed by U.S. Bank NA  
# 167 -Response filed by the Debtor

**APPEARANCES:**

Debtor: Donald Calaiaro  
U.S. Bank: Keri Ebeck

**NOTES:** (10:01)

Ebeck: The property is not provided for in the plan, per the proof of claim we're due \$544,952. I know the debtor has filed a response, but they haven't disclosed that the property was surrendered in 2015 in a previous bankruptcy.

Court: Have there been communications between the parties?

Ebeck: We've emailed. We haven't had further communications. It's a contractual right if my client wants to foreclose, and I believe that's up to my client if they want to proceed with foreclosure. I don't see that there's reason or jurisdiction for my client to be forced to foreclosure.

Court: I didn't know if there were discussions on it, because it seems to be an issue for plan confirmation as opposed to stay relief.

Ebeck: I would agree.

Court: Has there been discussion about doing a sale?

Ebeck: I have reached out to my clients but haven't heard back from them.

Calaiaro: We're concerned about the property. It's occupied by squatters. And DC doesn't let you shut off utilities, etc. We just want to end the debtor's ownership of the property - but it's a confirmation issue, I agree.

Court: U.S. Bank will still need to decide what it intends to do with the property, and it's best to decide that sooner rather than later. It's not uncalled for to expect US Bank to make a decision in the next 60 days. That might facilitate a resolution of confirmation issues.

**OUTCOME:**

1. Amended Motion for Relief from Stay filed by U.S. Bank NA [Dkt. No. 158] is GRANTED. [HT to Issue Proposed Order at Dkt. No. 158-4]

**DATED:** 6/18/2020